

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Daniel Ferullo d/b/a Hit & Run Sports and Games v. United States Postal Service, et al.

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

1 I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.

2 II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, Also complete AO 120 or AO 121 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. for patent, trademark or copyright cases

3 XX III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.

4 IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.

5 V. 150, 152, 153.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4 n/a

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES NO

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES NO

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES NO

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES NO

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES NO

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division Central Division Western Division

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division Central Division Western Division

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES NO

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Gina Walcott-Torres, AUSA

ADDRESS John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Suite 9200

Boston, MA 02110

TELEPHONE NO. (617) 748-3369

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Daniel Ferullo d/b/a Hit & Run Sports and Games

(b) County of Residence of First Listed Plaintiff **Middlesex County**
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Daniel Ferullo, pro se
523 Lowell Street, Lexington, MA 02420

DEFENDANTS

United States Postal Service
United States Post Office

County of Residence of First Listed

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff
 2 U.S. Government Defendant
 3 Federal Question (U.S. Government Not a Party)
 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	DEF		DEF
Citizen of This State	<input type="checkbox"/>	Citizen of Another State	<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
Citizen or Subject of a Foreign Country	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	PERSONAL INJURY	PERSONAL INJURY		
120 Marine	1 310 Airplane	1 362 Personal Injury – Med. Malpractice	1 422 Appeal 28 USC 158	1 400 State Reapportionment
130 Miller Act	1 315 Airplane Product Liability	1 365 Personal Injury – Product Liability	1 423 Withdrawal 28 USC 157	1 410 Antitrust
140 Negotiable Instrument	1 320 Assault, Libel & Slander	1 368 Asbestos Personal Injury Product Liability		1 430 Banks and Banking
150 Recovery of Overpayment & Enforcement of Judgment	1 330 Federal Employers' Liability	1 370 Other Fraud		1 450 Commerce/ICC Rates/etc.
151 Medicare Act	1 340 Marine	1 371 Truth in Lending		1 460 Deportation
152 Recovery of Defaulted Student Loans (Excl. Veterans)	1 345 Marine Product Liability	1 380 Other Personal Property Damage		1 470 Racketeer Influenced and Corrupt Organizations
153 Recovery of Overpayment of Veteran's Benefits	1 350 Motor Vehicle	1 385 Property Damage Product Liability		1 810 Selective Service
160 Stockholders' Suits	1 355 Motor Vehicle Product Liability	1 390 Other Personal Injury Product Liability		1 850 Securities/Commodities/ Exchange
190 Other Contract	1 360 Other Personal Injury			1 875 Customer Challenge 12 USC 3410
195 Contract Product Liability				1 891 Agricultural Acts
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
210 Land Condemnation	1 441 Voting	1 510 Motions to Vacate Sentence	1 861 HIA (1395ff)	1 892 Economic Stabilization Act
220 Foreclosure	1 442 Employment	1 520 Habeas Corpus:	1 862 Black Lung (923)	1 893 Environmental Matters
230 Rent Lease & Ejectment	1 443 Housing/ Accommodations	1 530 General	1 863 DIWC/DIWW (405(g))	1 894 Energy Allocation Act
240 Torts to Land	1 444 Welfare	1 535 Death Penalty	1 864 SSID Title XVI	1 895 Freedom of Information Act
245 Tort Product Liability	1 440 Other Civil Rights	1 540 Mandamus & Other	1 865 RSI (405(g))	1 900 Appeal of Fee Determination Under Equal Access to Justice
290 All Other Real Property		1 550 Civil Rights	1 870 Taxes (U.S. Plaintiff or Defendant)	1 950 Constitutionality of State Statutes
		1 555 Prison Condition	1 871 IRS - Third Party 26 USC 7609	1 890 Other Statutory Actions

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Federal Tort Claims Act 28 U.S.C. Sec. 2679

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

09-17-2004

FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD
Gina Walcott-Torres

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE